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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD FRANK MUISE,

Defendant.

Case No. 2:14-cr-00037-APG-NJK

**ORDER GRANTING VOLUNTARY
DISMISSAL**

(ECF No. 36)

On April 24, 2017, I entered an order granting voluntary dismissal of defendant Muiсе's motion to vacate under 28 U.S.C. § 2255. ECF No. 38. I subsequently struck that order to allow Muiсе to respond to the Government's request that dismissal be based upon 28 U.S.C. § 2255, rather than upon Federal Rule of Civil Procedure 41(a)(1)(A)(i) as requested by Muiсе. Having now considered the briefs, I grant Muiсе's voluntary dismissal under Rule 41(a)(1)(A)(i). That rule provides the appropriate mechanism for voluntary dismissal, and is not inconsistent with § 2255. I make no judgment whether a hypothetical future filing by Mr. Muiсе would constitute a successive petition.

IT IS THEREFORE ORDERED that Muiсе's motion for voluntary dismissal (**ECF No. 36**) is granted. The clerk of the court is directed to close this file.

DATED this 28th day of April, 2017.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE